

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/628,552

Q76699

REMARKS

Formalities

The current non-final Office Action is a replacement for the Office Action previously dated August 25, 2005. The August 25 Office Action failed to treat claim 15, which was added with the Preliminary Amendment of February 4, 2004. The current Action treats all pending claims 1-15.

In the current Office Action, the Examiner acknowledges Applicant's claim to foreign priority and the receipt of the certified copy of the priority document.

Statement of Substance of the Interview

A personal interview was conducted by Applicant's representative with Examiner Kumar and Supervisory Examiner Matecki on February 1, 2006.

At the interview, Applicant's representative discussed proposed amendments to claim 13 with the Examiners. Unfortunately, despite the fact that the Examiners had been informed previously that this was an issue that was going to be discussed at the interview, the Examiners indicated that they could not give any guidance regarding whether the proposed amendments would overcome the rejections of claim 13.

The Examiners' rejection of claims 1, 5, 6-9, and 14 over Ahne and of claims 3 and 15 over Ahne and Yokoi was also discussed. No agreement was reached. The specifics of the interview are discussed in further detail below.

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In the current Office Action, the Examiner indicates that claim 12 is allowed and that claims 2, 4, 10, and 11 contain allowable subject matter and would be allowed if rewritten into independent form including the limitations of the claims from which they depend.

With this Amendment, Applicant rewrites claims 2, 4, 10, and 11 into independent form including the limitations of the claims from which they previously depended. Applicant respectfully requests the allowance of these claims.

Claim 13

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 13 also stands rejected under 35 U.S.C. § 101 as reciting a use without setting forth any steps involved in the process.

Regarding these rejections, Applicant amends claim 13 and respectfully requests that the §112 and §101 rejections of claim 13 are reconsidered and withdrawn.

Claims 1, 3, 5-9, 14, and 15

Claims 1, 5, 6, and 14 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ahne et al., U.S. Patent No. 6,406,110 ("Ahne"). Claims 7, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ahne. Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ahne, in view of Yokoi et al., U.S. Patent No. 5,982,400 ("Yokoi").

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Regarding independent claims 1, 14, and 15, neither reference teaches or suggests changing a carry command value according to a bending state of a recording medium, as claimed. Regarding this limitation, the Examiner refers to Ahne, Figures 7 and 8, and col. 7, lines 17-25.

Ahne is generally directed to an imaging apparatus and system including a gap spacing adjustment mechanism for adjusting a gap between a printhead and a print medium. According to Ahne, once a printer controller knows a present gap spacing, the printer controller receives an input signal associated with a print medium, and the input signal is translated into a print medium thickness value V. Then, based on the thickness value V, the printer controller determines whether the gap requires adjustment, and, if the gap requires adjustment, an adjustment is made via the gap spacing adjustment mechanism.

However, there is no teaching or suggestion in Ahne of adjusting or changing a carry command value according to a bending state of a recording medium. There is no discussion in Ahne of any bending state of a recording medium. Even assuming *arguendo* that the thickness of the medium is a "bending state," as apparently suggested by the Examiner, there is no teaching or suggestion in Ahne of changing any carry command, as claimed.

In the interview of February 1, the Examiner asserted that the "state of bending" of a recording medium is inherently taught in the Ahne description of the thickness of a print medium. While the Examiners were unable to point to any portion of the reference which discussed any bending of any print medium, they maintained that this limitation is inherent to Ahne. Regarding the specific step of "changing a carry command value," the Examiners

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appeared to assert that it is the receiving of input associated with the print medium (see step 202 in Ahne Figure 8), which discloses this limitation. The Examiner asserted that any description in Ahne of changing any value that tells the imaging apparatus that a certain type of print medium is being used anticipates the claimed limitation of changing the carry command value.

Therefore, in view of the Examiners' broad reading of the phrase "carry command value," Applicant amends claims 1, 13, 14, and 15, as shown, for purposes of clarity. These amendments are supported in the originally-filed specification at least at page 12, line 23 through page 13, line 18.

Applicant submits that none of the cited references, either alone or in reasonable combination, teach or suggest driving a carry roller, which advances or withdraws a recording medium, based on a carry command value that has been changed according to a bending state of a recording medium, as claimed.

Even assuming *arguendo*, as suggested by the Examiners, that any value regarding a print medium entered by a user into a printing apparatus is a "carry command value," there is no teaching or suggestion anywhere in Ahne of driving a carry roller based on such a value.

Therefore, Applicant submits that independent claims 1, 13, 14, and 15 are patentable over any reasonable combination of the cited references and that claims 3 and 5-9 are patentable at least by virtue of their dependence on claim 1. Applicant respectfully requests that the rejections of these claims be reconsidered and withdrawn.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373
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Date: February 15, 2006

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Raksh KUMAR at the Patent and Trademark Office on February 15, 2006 at 571-273-8300.

Respectfully submitted,


Laura Moskowitz